

FILED
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2003 DEC 29 P 12:28
**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL BENNETT, on behalf of himself)
and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
ALKERMES, INC., RICHARD F. POPS,)
ROBERT A. BREYER, DAVID A.)
BROECKER, MICHAEL J. LANDINE,)
JAMES M. FRATES, and JAMES L.)
WRIGHT,)
)
Defendants.)

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 1:03-CV-12091 (RCL)

VINCENT RAGOSTA, on behalf of)
himself and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
ALKERMES, INC., RICHARD F. POPS,)
ROBERT A. BREYER, DAVID A.)
BROECKER, MICHAEL J. LANDINE,)
JAMES M. FRATES, and JAMES L.)
WRIGHT,)
)
Defendants.)

Civil Action No. 1:03-CV-12184 (RCL)

[Captions continued on next page]

**NOTICE OF MOTION TO CONSOLIDATE ACTIONS,
TO BE APPOINTED LEAD PLAINTIFF AND FOR APPROVAL OF LEAD
PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL**

| | | |
|--------------------------------------|---|--------------------------------------|
| BARRY FAMILY LP, on behalf of itself |) | |
| and all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 1:03-CV-12243 (RCL) |
| |) | |
| ALKERMES, INC., RICHARD F. POPS, |) | |
| ROBERT A. BREYER, DAVID A. |) | |
| BROECKER, MICHAEL J. LANDINE, |) | |
| JAMES M. FRATES, and JAMES L. |) | |
| WRIGHT, |) | |
| |) | |
| Defendants. |) | |

| | | |
|--------------------------------------|---|--------------------------------------|
| JULIUS WALTZER and PHYLLIS |) | |
| WALTZER, on behalf of themselves and |) | |
| all others similarly situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. 1:03-CV-12277 (RCL) |
| |) | |
| ALKERMES, INC., RICHARD F. POPS, |) | |
| ROBERT A. BREYER, DAVID A. |) | |
| BROECKER, MICHAEL J. LANDINE, |) | |
| JAMES M. FRATES, and JAMES L. |) | |
| WRIGHT, |) | |
| |) | |
| Defendants. |) | |

[Captions continued on next page]

DEBRA S. FOLKERTS, on behalf of)
herself and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
ALKERMES, INC., RICHARD F. POPS,)
ROBERT A. BREYER, DAVID A.)
BROECKER, MICHAEL J. LANDINE,)
JAMES M. FRATES, and JAMES L.)
WRIGHT,)
)
Defendants.)

Civil Action No. 1:03-CV-12386 (RCL)

JAMES P. SLAVAS, on behalf of himself)
and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
ALKERMES, INC., RICHARD F. POPS,)
ROBERT A. BREYER, DAVID A.)
BROECKER, MICHAEL J. LANDINE,)
JAMES M. FRATES, and JAMES L.)
WRIGHT,)
)
Defendants.)


Civil Action No. 1:03-CV-12471 (RCL)

PLEASE TAKE NOTICE that class member Danske Capital, by its counsel, will hereby move this Court, on a date and at such time as may be designated by the Court, for an Order (attached hereto as Exhibit A): (i) consolidating the Actions; (ii) appointing Danske Capital as lead plaintiff; (iii) approving Danske Capital's selection of the law firm of Schiffrin and Barroway, LLP to serve as lead counsel; (iv) approving Danske Capital's selection of the law firm of Gilman and Pastor, LLP to serve as liaison counsel; and (v) granting such other and further relief as the Court may deem just and proper. In support of this motion, Danske Capital submits herewith a memorandum of law and declaration of Peter A. Lagorio.

Dated: December 29, 2003

Respectfully submitted,

GILMAN AND PASTOR, LLP

By: 
David Pastor (BBO # 391000)
Peter A. Lagorio (BBO # 567379)
Stonehill Corporate Center
999 Broadway, Suite 500
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Telephone: (781) 231-7850
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Proposed Liaison Counsel

SCHIFFRIN & BARROWAY, LLP

Andrew L. Barroway
Stuart L. Berman
Darren J. Check
Three Bala Plaza East, Suite 400
Bala Cynwyd, PA 19004
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

Proposed Lead Counsel

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--|---|--------------------------------------|
| <hr/> | | |
| PAUL BENNETT, on behalf of himself |) | |
| and all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 1:03-CV-12091 (RCL) |
| |) | |
| ALKERMES, INC., RICHARD F. POPS, |) | |
| ROBERT A. BREYER, DAVID A. |) | |
| BROECKER, MICHAEL J. LANDINE, |) | |
| JAMES M. FRATES, and JAMES L. |) | |
| WRIGHT, |) | |
| |) | |
| Defendants. |) | |
| <hr/> | | |
| VINCENT RAGOSTA, on behalf of |) | |
| himself and all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 1:03-CV-12184 (RCL) |
| |) | |
| ALKERMES, INC., RICHARD F. POPS, |) | |
| ROBERT A. BREYER, DAVID A. |) | |
| BROECKER, MICHAEL J. LANDINE, |) | |
| JAMES M. FRATES, and JAMES L. |) | |
| WRIGHT, |) | |
| |) | |
| Defendants. |) | |
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[PROPOSED] ORDER CONSOLIDATING ACTIONS,
APPOINTING LEAD PLAINTIFF, APPROVING LEAD PLAINTIFF'S
SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL

BARRY FAMILY LP, on behalf of itself)
and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
ALKERMES, INC., RICHARD F. POPS,)
ROBERT A. BREYER, DAVID A.)
BROECKER, MICHAEL J. LANDINE,)
JAMES M. FRATES, and JAMES L.)
WRIGHT,)
)
Defendants.)

Civil Action No. 1:03-CV-12243 (RCL)

JULIUS WALTZER and PHYLLIS)
WALTZER, on behalf of themselves and)
all others similarly situated,)
)
Plaintiffs,)
)
v.)
)
ALKERMES, INC., RICHARD F. POPS,)
ROBERT A. BREYER, DAVID A.)
BROECKER, MICHAEL J. LANDINE,)
JAMES M. FRATES, and JAMES L.)
WRIGHT,)
)
Defendants.)

Civil Action No. 1:03-CV-12277 (RCL)

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DEBRA S. FOLKERTS, on behalf of)
herself and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
ALKERMES, INC., RICHARD F. POPS,)
ROBERT A. BREYER, DAVID A.)
BROECKER, MICHAEL J. LANDINE,)
JAMES M. FRATES, and JAMES L.)
WRIGHT,)
)
Defendants.)

Civil Action No. 1:03-CV-12386 (RCL)

JAMES P. SLAVAS, on behalf of himself)
and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
ALKERMES, INC., RICHARD F. POPS,)
ROBERT A. BREYER, DAVID A.)
BROECKER, MICHAEL J. LANDINE,)
JAMES M. FRATES, and JAMES L.)
WRIGHT,)
)
Defendants.)

Civil Action No. 1:03-CV-12471 (RCL)

Having considered the motion of Danske Capital to consolidate actions, to be appointed lead plaintiff and for approval of lead plaintiff's selection of lead counsel and liaison counsel, the memorandum of law in support thereof, the declaration of Peter A. Lagorio in support of that motion, and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. The above-captioned actions are consolidated for all purposes (the "Consolidated Action"). This Order (the "Order") shall apply to the Consolidated Action and to each case that relates to the same subject matter that is subsequently filed in this Court or is transferred to this Court and is consolidated with the Consolidated Action.
3. A Master File is established for this proceeding. The Master File shall be Civil Action No. 1:03-CV-12091 (RCL). The Clerk shall file all pleadings in the Master File and note such filings on the Master Docket.
4. An original of this Order shall be filed by the Clerk in the Master File.
5. The Clerk shall mail a copy of this Order to counsel of record in the Consolidated Action.
6. Every pleading in the Consolidated Action shall have the following caption:

| | | |
|------------------------------|---|--------------------------------------|
| <u>IN RE ALKERMES, INC.</u> |) | Civil Action No. 1:03-CV-12091 (RCL) |
| <u>SECURITIES LITIGATION</u> |) | |
| |) | |

7. The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of the Consolidated Action.

8. When a case that arises out of the same subject matter of the Consolidated Action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a. File a copy of this Order in the Separate file for such action;
- b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed case; and
- c. Make the appropriate entry in the Master Docket for the Consolidated Action.

9. Each new case that arises out of the subject matter of the Consolidated Action which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in the forgoing shall be construed as a waiver of the defendants' right to object to consolidation of any subsequently-filed or transferred related action.

10. Class member Danske Capital is appointed to serve as lead plaintiff in the above-captioned consolidated actions, pursuant to 15 U.S.C. §78u-4(a)(3)(B).

11. The law firm of Schiffrin & Barroway, LLP is hereby approved as lead counsel for the Class. Lead counsel shall provide general supervision of the activities of plaintiff's counsel and shall have the following responsibilities and duties to perform or delegate as appropriate:

- a. To brief and argue motions;
 - b. To initiate and conduct discovery, including, without limitation, coordination of discovery with defendants' counsel, the preparation of written interrogatories,
-

GILMAN AND PASTOR, LLP

ATTORNEYS AT LAW
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999 BROADWAY, SUITE 500
SAUGUS, MASSACHUSETTS 01906

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U.S. DISTRICT COURT
DISTRICT OF MASS.

December 29, 2003

VIA HAND DELIVERY

Clerk's Office
United States District Court
for the District of Massachusetts
Room 2300
1 Courthouse Way
Boston, MA 02210

Re: Paul Bennett, et al. v. Alkermes, Inc., et al.

Dear Sir/Madam:

Enclosed herewith, for filing in connection with the above referenced action, please find the following:

- 1) Notice of Motion to Consolidate Actions, To Be Appointed Lead Plaintiff and For Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel;
- 2) Memorandum of Law in Support of Motion of Danske Capital To Consolidate Actions, To Be Appointed Lead Plaintiff and For Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel; and
- 3) Declaration of Peter A. Lagorio in Support of Motion of Danske Capital To Consolidate Actions, To Be Appointed Lead Plaintiff and For Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel.

Thank you for your cooperation.

Very truly yours,



Peter A. Lagorio

PAL/jh

Enclosures

cc: Attached Service List

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